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10/056,246	01/24/2002	Shelia Jean Burgess	625269-012	8961

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EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/056,246	Applicant(s) BURGESS, SHELIA JEAN	
	Examiner Perez M. Angelica	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 49-78 of this application. The referred application number 09/203,041 refers to a different kind of invention and the applicants and/or assignee do not correspond to the ones in the present application. **Claim**

Rejections - 35 USC § 112

Claim 78 recites the limitation "The method of adjusting long-term..." in page 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
2. Claims 46-52, 60-61, 69-71, 73-74 and 76-78 are rejected under 35 U.S.C. 102(e) as being anticipated by Bushnell (Bushnell, William J.; US Patent No.: 6,289,084 B1).

Regarding claim 46, Bushnell teaches of a system for receiving incoming communications in a receiving party's communication device (column 1, lines 64-67) comprising: means for receiving and storing incoming communications originating source criteria (column 2, lines 18-48; where the source criteria can be the caller's telephone number, the callers patterns, affinity criteria etc.), means for storing information indicative of a user's response to incoming communications based on originating source criteria to establish a learned behavior criteria (column 2, lines 35-48; e.g., duration of the call, frequency of the call), means for retrieving the incoming communications originating source criteria (column 2, lines 44-48) time criteria (column 3, lines 1-4), and learned behavior criteria of user with the device (columns 2 and 3, lines 38-44 and 9-17, respectively), and means for processing an incoming communication to the user of the system as a function of the originating source criteria, time criteria and learned behavior criteria of the user (columns 2 and 3, lines 35-67 and 1-17; where the time, learned behavior and source determine the way of handling the call).

Regarding claim 47, Bushnell teaches all the limitations of claim 46. Bushnell further teaches of means for using the communications originating source criteria and the associated time criteria along with the current time criteria, and learned behavior of the user to determine a functional operation of the system (columns 2 and 3, lines 35-67 and 1-17; where the time, learned behavior and source determine the way of handling the call).

Regarding claim 48, Bushnell teaches all the limitations of claim 47. Bushnell further teaches of means for means for initiating a search routine for searching the incoming communication criteria stored in the system to find a match with each incoming communication (column 4, lines 44-63; where in order to find out the type of response, the calls are screened and classified according to the stored criteria).

Regarding claim 49, Bushnell teaches all the limitations of claim 46. Bushnell further teaches of means for comparing the present time criteria with stored time criteria associated with present incoming communication source criteria to determine time management functions to use for the present incoming communication (columns 3 and 4, lines 1-4 and 55-58; where matching of time is required in order to determine the criteria according to time of day).

Regarding claim 50, Bushnell teaches all the limitations of claim 46. Bushnell further teaches of means for comparing the present user behavior criteria with stored learned user behavior criteria associated with present incoming communication source criteria to determine functional operation for the present incoming communication (column 2, lines 38-48; where a call will receive a preference according to the degree of affinity. The telephone numbers with high affinity are stored in the database).

Regarding claim 51, Bushnell teaches all the limitations of claim 46. Bushnell further teaches of means for determining a set of time management functions to use for a present system state (columns 5 and 6, lines 40-67 and 1-20; where the set times manage the received called during the present times).

Regarding claim 52, Bushnell teaches all the limitations of claim 46. Bushnell further teaches of means for applying rule based logic to system conditions to determine functional operations of the system (figure 1; e.g., caller ID?; In affinity database? and High affinity?).

Regarding claim 60, Bushnell teaches all the limitations of claim 46. Bushnell further teaches of means for setting a user's rating of a communication source and where learned behavior of the user with the device comprising means for reading the user's rating of the communication source (column 2, lines 35-48; where the affinity provides the rating; e.g., "long time on the line", high rate; "brief call", low rate)

Regarding claim 61, Bushnell teaches all the limitations of claim 60. Bushnell further teaches of means for setting and processing the system states and for invoking associated system functional operations to be used while the system is in a given state based on the user's communication rating (column 2, lines 35-48; where the affinity rating define availability states; e.g., "long time on the line", high rate; "brief call", low rate.

Regarding claim 69, Bushnell teaches all the limitations of claim 46. Bushnell further teaches where the incoming communication source criteria is a function of the identity of the calling party (column 2, lines 49-65).

Regarding claim 70, Bushnell teaches all the limitations of claim 46. Bushnell further teaches where the incoming communication source criteria is a function of the identity of an originating call device (column 2, lines 49-65; where the ID corresponds to that of the caller, "originating call device").

Regarding claim 71, Bushnell teaches all the limitations of claim 46. Bushnell further teaches where the incoming communication source criteria depends on an account identity (column 2, lines 44-48; where the telephone number is considered the account for many systems).

Regarding claim 73, Bushnell teaches all the limitations of claim 46. Bushnell further teaches where the incoming communication source criteria depends on an identity of the incoming communication subject (column 2, lines 49-65; where the ID or telephone number provides information about the "incoming communication subject").

Regarding claim 74, Bushnell teaches all the limitations of claim 46. Bushnell further teaches where the incoming communication source criteria depends on an identity of the incoming communication type (column 2, lines 49-53; where the telephone screening provide information about the communication type; e.g., "telemarketers", "pranksters", "parent", "child", etc.).

Regarding claim 76, Bushnell teaches all the limitations of claim 46. Bushnell further teaches of means for storing and processing system states by storing associated system functional operations to be used while the system is in a given state (figure 5, items 520 and 510).

Regarding claim 77, Bushnell teaches all the limitations of claim 46. Bushnell further teaches of means for storing and processing said system states and for invoking associated system functional operations to be used while said system is in a given state (figure 5, items 520 and 510 and columns 5 and 6, lines 40-67 and 1-7, respectively).

Regarding claim 78, Bushnell teaches the method of adjusting long-term and short-term user ratings of an incoming communication according to the formulae comprising:

$$\text{Rating}_{\text{new}} = \text{Rating}_{\text{old}} + f(t) \cdot (\text{Rating}_{\text{entered}} - \text{Rating}_{\text{old}})$$

$$f(t) = 2/(1 + e^{-t/\tau}) - 1$$

where "t" is the time since the last update, and "τ" is a time constant determining the decay rate (columns 2 and 7, lines 18-34 and 29-63, respectively; where the rating is generated according to a new call that is compared with an old (predetermined) duration time and the rating is updated as "high affinity" or "low affinity).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 53 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell in view of Tatchell (Tatchell et al.; US patent No.: 6,160,877 A).

Regarding claim 53, Bushnell teaches all the limitations of claim 52. Bushnell further teaches where the functional operations comprise: obtaining and storing incoming communications criteria (columns 6 and 7, lines 60-67 and 1-3, respectively), storing and recording communications data (columns 6 and 7, lines 60-67 and 1-3, respectively); playing, storing, and recording outgoing messages (OGM) (column 6,

lines 38-43), announcing incoming communications (abstract), user notification of incoming communication events (column 1, lines 16-19; where the events are the different types of calls), obtaining and storing time criteria (column 6, lines 1-7), obtaining and storing associated time management functions (column 6, lines 1-7; where the times are stored and managed according to priority), obtaining and storing the user's behavior while using the device (columns 6 and 7, lines 60-67 and 1-3, respectively), and obtaining and storing the receiving party's communications device functional operations (columns 5 and 6, lines 52-67 and 1-7, respectively).

Bushnell does not specifically teach of obtaining and storing the system state.

In related art, regarding a method of screening and prioritizing an incoming call, Tatchell teaches of obtaining and storing the system state (column 8, lines 43-56; where the states can be "off-hook" and "on-hook").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Bushnell's system for receiving incoming communications with Tatchell's plurality of states in order to provide communications according to the present state, as taught by state Tatchell.

Regarding claim 72, Bushnell teaches all the limitations of claim 46.

Bushnell does not specifically teach where the incoming communication source criteria depends on a network identity.

Tatchell teaches where the incoming communication source criteria depends on a network identity (column 4 lines 61-65).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Bushnell's system for receiving incoming communications with Tatchell's network addresses in order to receive messages at any of the network addresses, as taught by state Tatchell.

5. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell in view of Tatchell as it applies to claim 54, and further in view of Redd (Redd, Jr. et al.; US patent No.: 5,467,388 A).

Regarding claim 54, Bushnell in view of Tatchell Bushnell teaches all the limitations of claim 53.

Bushnell in view of Tatchell does not specifically teach of an emergency operation is executed upon a determination of an emergency condition by the receiving party's communication device per the receiving party's pre-selected functional operations.

In related art, concerning a method and apparatus for selectively blocking incoming telephone calls, Redd teaches of an emergency operation is executed upon a determination of an emergency condition by the receiving party's communication device per the receiving party's pre-selected functional operations (column 6, lines 6-24; E.g., the pre-selected operation is "emergency calls may never be blocked").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Bushnell in view of Tatchell system for receiving incoming communications with Redd's emergency pre-defined function in order to insure that emergency calls are not blocked, as taught by Redd.

Regarding claim 55, Bushnell in view of Tatchell and further in view of Redd teaches of means for receiving and storing an incoming communication emergency indication, and means for retrieving the receiving party's communication device operation to be executed upon an emergency condition indication (column 6, lines 44-51).

Regarding claim 56, Bushnell in view of Tatchell and further in view of Redd teaches all the limitations according to claim 55. Redd further teaches of means for receiving and decoding DTMF inputs from an incoming communication source (column 12, lines 7-12), means for reading the emergency indication, and means for invoking the designated device operation to be executed upon an emergency condition indication (column 6, lines 44-51).

6. Claim 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell in view of Redd.

Regarding claim 57, Bushnell teaches all the limitations according to claim 52.

Bushnell does not specifically teach of means for setting a current user mood and where learned behavior of the user with the device comprising means for reading the user's mood.

In related art, concerning a method and apparatus for selectively blocking incoming telephone calls, Redd teaches of means for setting a current user mood and where learned behavior of the user with the device comprising means for reading the user's mood (column 7, lines 8-15).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Bushnell system for receiving incoming communications with Redd's "tier" or "mood" in order to respond to the caller in an appropriate manner depending on the mood of the caller, as taught by Redd.

Regarding claim 58, Bushnell in view of Redd teaches all the limitations according to claim 57. Redd further teaches of means for setting and processing the system states and for invoking associated system functional operations to be used while said system is in a given state based on said user's mood (column 7, lines 17-37).

Regarding claim 59, Bushnell in view of Redd teaches all the limitations according to claim 57. Redd further teaches where the user's mood is selected from the group comprising: an "I'm not available" state (column 7, line 45-49; when the call is blocked); an "I'm slightly available" state (column 7, lines 29-31), an "I'm fairly available" state (column 7, lines 24-25); and an "I'm completely available" state (column 7, lines 17-19).

7. Claim 62, 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell in view of Segur (Segur, Shawn Thomas; US006212550B1).

Regarding claim 62, Bushnell teaches all the limitations of claim 61. Bushnell further teaches where the user's communication rating is based upon: user provided rating data (column s 2 and 3, lines 66-67 and 1-17; where the user rates and determines the type of answer for each type of call); user communication duration (column 2, lines 41-44), user frequency (i.e., quantity of times) of establishing communication with a particular communication source (column 2, lines 39-41).

Bushnell does not specifically teach of user stress.

In related art, concerning a method and system in a client server for automatically for converting messages from a first format to a second format, Segur teaches of stress in messages (column 3, lines 38-59; e.g., "priority codes can be based...message can detect stress in the caller's voice").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Bushnell system for receiving incoming communications with Segur's stress detector in order to prioritize calls, as taught by Segur.

Regarding claim 66, Bushnell in view of Segur teaches all the limitations of claim 62. Bushnell further teaches of means for setting and processing the system states and for invoking associated system functional operations to be used while the system is in a given state based on said user's communication duration with a communication source (column 2, lines 41-44).

Regarding claim 67, Bushnell in view of Segur teaches all the limitations of claim 63. Bushnell further teaches of means for setting and processing the system states and for invoking associated system functional operations to be used while the system is in a given state based on said user's frequency of particular communications with a communication source (column 2, lines 38-40).

8. Claims 63-65 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell in view of in view of Segur, and further in view of Gaechter (Gaechter et al.; US Patent No.: 5,463,685 A).

Art Unit: 2684

Regarding claim 63, Bushnell in view of Segur teaches all the limitations of claim 62.

Bushnell in view of in view of Segur does not specifically teach where the user's communication rating comprises rating data inputs provided by the user where the user inputs in the device how much the user liked a particular communication.

In related art, regarding a network based outbound call management, Gaechter teaches where the user's communication rating comprises rating data inputs provided by the user where the user inputs in the device how much the user liked a particular communication (column 1, lines 18-22).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Bushnell and Segur system for receiving incoming communications with Gaechter's input of rating data in order to set a user's satisfaction degree, as taught by Gaechter.

Regarding claim 64, Bushnell in view of in view of Segur, and further in view of Gaechter teaches all the limitations of claim 63. Bushnell further teaches where the user's communication rating effects learned behavior criteria of the user (column 4, lines 64-67; e.g., consumer preferences shape the behavior criteria).

Regarding claim 65, Bushnell in view of in view of Segur, and further in view of Gaechter teaches all the limitations of claim 64. Bushnell further teaches where learned behavior criteria of the user comprises: short-term user interactions with the device (column 2, lines 41- 48), and long-term user interactions with the device (column 2, lines 41- 48).

Regarding claim 68, Bushnell in view of Segur, and further in view of Gaechter teaches all the limitations of claim 63. Segur further teaches of means for setting and processing the system states and for invoking associated system functional operations to be used while said system is in a given state based on said user's voice volume during a communication (column 3, lines 38-59; e.g., " priority codes can be based...message can detect stress in the caller's voice"; where stress can be determined by voice volume).

9. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell in view of Gaechter.

Regarding claim 75, Bushnell teaches all the limitations of claim 74.

Bushnell does not specifically teach where the incoming communication type is selected from the group comprising: a voice type; an internet content type; a video type; a textual type; a multimedia type; a fax type; and a broadcast media type.

Gaechter teaches where the incoming communication type is selected from the group comprising: voice type (column 5, lines 24-28; where the examiner has selected "voice type" from the choices provided).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Bushnell system for receiving incoming communications with Gaechter's incoming voice communication type in order to Hear the voice of the caller and interact with him/her using an interactive response system, as taught by Gaechter.

10. Applicant's arguments with respect to claims 46-78 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday – Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

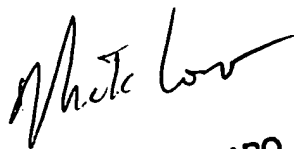

Angelica Perez

Application/Control Number: 10/056,246

Page 17

Art Unit: 2684

(Examiner)

A handwritten signature in black ink, appearing to read "Nick Corsaro".

NICK CORSARO
PRIMARY EXAMINER

Art Unit 2684

June 8, 2005